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DEC 06 2006

Serial No. 09/901,197
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Claims 1-13 are pending in the application. Applicants amend claims 6 and 10 for clarification. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's finding that claims 2 and 4-13 contain allowable subject matter. Applicants amend claims 6 and 10 to overcome the Examiner's § 112, ¶ 2 rejection, and respectfully submit that base claim 1, from which claims 2 and 4-13 depend, is patentable as demonstrated below. Accordingly, Applicants respectfully request that the Examiner allow claims 2 and 4-13.

Claims 6, 8, 10, and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In particular, the Examiner objected to phrases in claims 6 and 10 for being unclear. Applicants amend claims 6 and 10 to clarify the objected to phrases, and respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,737,310 to Goto. Applicants respectfully traverse the rejection.

Goto only describes switching nodes 1 and 3 performing switch and bridge control simultaneously to continue data transmission when trouble is recognized at node 2. As such, Goto, as cited and relied upon by the Examiner, only describes the conventional switch and bridge control technique for a node failure where the transmitting apparatus continues to transmit packets to a transmission path that is switched and bridged. Goto, therefore, does not disclose the transmitting apparatus halting transmission to a transmission path when a communication is unrescuable.

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In other words, Goto, as cited and relied upon by the Examiner, fails to disclose,

“[a] transmitting apparatus in a ring network in which a plurality of transmitting apparatuses are connected in ring form so as to be capable of transmitting in each of upstream and downstream directions, working and protection channels are assigned to each direction and, when failure occurs in a transmission path, a transmit signal is looped back using the protection channel to effect rescue, said apparatus comprising:

rescue-impossible detection means for detecting that communication between an insert transmitting apparatus that incorporates a packet, which enters from a lower-order side, into a higher-order signal and transmits the signal to a transmission path, and a drop transmitting apparatus that extracts the packet from the higher-order signal and transmits the packet to another lower-order side, cannot be rescued because of transmission-path failure; and packet-transmission halting means for halting transmission of the packet to the transmission path when communication has become unrescuable,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claim 3 dependent therefrom, is patentable over Goto for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

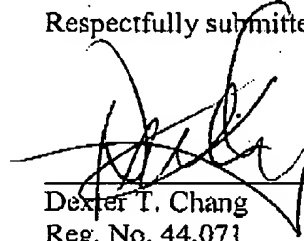
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Respectfully submitted,



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